REMARKS

In the Office Action mailed September 8, 2005, the Examiner rejected claims 1-3, 12, and 20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,670,940 to Holcomb et al., rejected claims 4, 9, 14, and 21-22 under 35 U.S.C. 103(a) as being unpatentable over Holcomb et al. in view of U.S. Patent No. 6,367,011 to Lee et al., rejected claim 13 under 103(a) as being unpatentable over Holcomb et al. in view of U.S. Patent No. 6,484,260 to Scott et al., and rejected claims 5-8, 10, 11, 15-19, and 23-28 under 103(a) as being unpatentable over Holcomb et al. in view of Lee et al., in further view of U.S. Patent No. 5,774,053 to Porter.

Rejection under 35 U.S.C. § 102(b)

Applicants once again respectfully traverse the Examiner's rejection of claims 1-3, 12, and 20 as being anticipated by Holcomb et al. In order for a claim to be anticipated by a prior art reference under 35 U.S.C. § 102, all elements of the claim must be present in the reference. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." MPEP 2131.

With regard to independent claim 1, Holcomb et al. fails to disclose at least "a validation system including a control unit to generate a validation key using [a] second key." (emphasis added). In the Office Action, the Examiner alleges that Holcomb et al. teaches that "[t]he programmable unit (key-generating station) communicates the second key to the validation unit (electronic lock) by transmitting a signal (second key)

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to an algorithm for the microcontroller of the lock (col. 1, lines 26-28, 26-38) to create a key, which is the validation key that is stored and later compared to the access key of the tag." (Office Action, page 2).

Even assuming the Examiner's allegations are correct (and Applicants' do not necessarily agree), the cited portions of Holcomb et al., fail to constitute a teaching of "a control unit to generate a validation key using the second key" as recited in claim 1. The cited portions state that a microcontroller is stored on an electronic lock, and "the access code [the alleged validation key] is either generated by the microcontroller through an algorithm or is stored in the memory of the microcontroller." (Col. 1: 26-28). In order to ensure that the access code and the key code match, three possible situations are possible: (1) the key generating station is either hard wired to the electronic lock so it can communicate the new key code to the electronic lock (where the access code is generated) ; (2) the key generating station and the microcontroller use the same algorithm to calculate the codes; or (3) the key generating station and the microcontroller store the same codes. (Col. 1: 36-28). Therefore, contrary to the Examiner's assertion, Holcomb et al. does not transmit any signal or "second key" to the microcontroller to create the validation key. Rather, the system disclosed by Holcomb et al. merely creates an access key through an algorithm or retrieves an access key already stored in microcontroller 13. Holcomb et al. provides no teaching of generating a validation key based upon a second key. The microcontroller 13 of Holcomb et al. thus cannot constitute "a control unit to generate a validation key from [a] second key," as recited in claim 1.

Since Holcomb et al. fails to teach at least the above-quoted element of claim 1,

Holcomb et al. cannot anticipate independent claim 1. Independent claim 20 recites

similar limitations, for example, "using the second key, generating a validation key."

Holcomb et al. thus also fails to anticipate claim 20 for at least the reasons given above

with respect to claim 1. Therefore, Applicants respectfully request the rejection of

claims 1 and 20 under 35 U.S.C. § 102(b) be withdrawn and the claims allowed.

Claims 2-19 and 21-28 depend from claims 1 and 20, respectively. Accordingly,

the cited art does not support the rejection of dependent claim 2-19 and 21-28 for at

least the same reasons as set forth above in connection with claims 1 and 20.

Therefore, Applicants request that the rejection of these claims be withdrawn and the

claims allowed.

Rejection under 35 U.S.C. § 103(a)

Applicants further respectfully traverse the Examiner's rejection of claims 2-19

and 21-28 under 35 U.S.C. 103(a). To establish a *prima facie* case of obviousness of a

claimed invention, all the claim limitations must be taught or suggested by the prior art.

MPEP 2143.03. As stated above, Holcomb et al. fails to disclose at least "a validation

system including a control unit to generate a validation key using the second key," as

well as "using the second key, generating a validation key," language that is recited in

claims 2-19 and 21-28, respectively. Nothing in Lee et al. teaches or suggests these

limitations, as Lee et al. is cited by the Examiner only for allegedly disclosing a

non-volatile memory, a proximity detector, and multiple encryption keys. Therefore,

Lee et al. fails to overcome the deficiencies of Holcomb et al. Scott et al. is cited by the

Examiner only for allegedly disclosing a garage door opener, and thus fails to overcome

the deficiencies of <u>Holcomb et al.</u> <u>Porter</u> also fails to overcome the deficiencies of <u>Holcomb et al.</u> That is, neither <u>Scott et al.</u> nor <u>Porter</u> teach or suggest "a validation system including a control unit to generate a validation key using the secret key" and "using the second key, generating a validation key," as recited in claims 1 and 20 and required by claims 2-19 and 21-28, respectively. Accordingly, no *prima facie* case of obviousness has been established with respect to claims 2-19 and 21-28. Applicants respectfully request that the rejection of claims 2-19 and 21-28 under 35 U.S.C. § 103(a) be withdrawn.

<u>Conclusion</u>

In summary, Applicants submit that none of the art discloses each and every claimed element. Nor does the art in combination teach or suggest the claimed inventions, as they must if they are to be combined. Finally, Applicants respectfully submit that the proposed combination of the prior art is based on a hindsight reconstruction of the prior art, rather than an objective review of the prior art as a whole and the teachings and disclosure of the prior art.
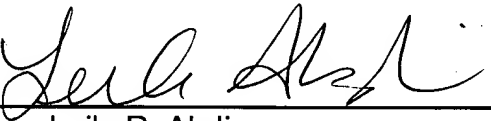
In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: December 7, 2005 By: _____
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